

## **5.7 SECTION 303(c) [ALSO KNOWN AS SECTION 4(f)] LANDS AND OTHER AREAS OF ENVIRONMENTAL INTEREST**

### **5.7.1 Background**

This Environmental Impact Statement (EIS) includes an investigation of impacts due to proposed development upon areas such as public parks; recreation areas; or wildlife and waterfowl refuge of national, state, or local significance. Historic structures that are eligible for inclusion on the National Register of Historic Places are also considered significant. All of these resources are protected under Section 303(c) of the Department of Transportation (DOT) Act (previously codified as section 4(f) and called 4(f) lands). For the purposes of this document, these lands will be referred to as section 303(c) lands. Under this Act, it is stated that:

“The Secretary may approve a transportation program or project (other than any project for a park road or parkway under section 204 of title 23) requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, state, or local officials having jurisdiction over the park, area, refuge, or site) only if -

there is no prudent and feasible alternative to using that land; and

the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.”

### **5.7.2 Methodology**

This section of the EIS discusses Section 303(c) lands that are public parks; recreation areas; or wildlife and waterfowl refuge of national, state, or local significance. Historic resources are discussed in Section 5.8.

Since the Gary/Chicago International Airport is located within the globally unique dune and swale ecosystem, natural sites in the vicinity of the airport are characterized by distinctive sand dunes separated by wetland swales. Most of the unique sites in the study area are not 303(c) lands as they are either in private ownership or are not managed as public parks or wild refuges. However, due to the imperiled nature of these ecosystems and the public interest in their well being, these areas are also discussed in this section. Matrix 5-6 Cross-reference of Recreation, Access, and Cultural Resources Laws and Guidance Documents has been reviewed by the consulting team to confirm that all the identified items have been considered in evaluation of the Section 303(c) lands impacts as described in this section.

### 5.7.3 Existing conditions – 2000

#### 5.7.3.1 303(c) Lands

Within the study area, the following natural area is protected under section 303(c). This area is also described in Section 4.3.3 and **Exhibits 4-13 and 4-16**.

**The Brunswick Center Savanna** (71 acres) has been identified by the Indiana Department of Environmental Management (IDEM) as a critical habitat to preserve and protect. The Brunswick Center Savanna contains the 49-acre Brunswick Park owned by the City of Gary. The park features rare plants such as black oak, blue joint grass and prairie sunflowers that have been safeguarded in the preserves, as well as tennis courts and picnic areas. Although this site exists on the dune and swale system, it differs from many of the other natural areas in that both the upland dunes and the lower swales have more open canopy structure, providing an alternate set of valuable native habitats, including wet prairies and sedge meadows. Disturbance is light to moderate where it occurs at the edges.

#### 5.7.3.2 Areas of Environmental Interest

Within the study area are special interest areas that are either not publicly owned or not protected but have certain qualities, such as remnant dune and swale habitat, that classify them as unique sites. These sites are also described in section 4.3.3 and **Exhibits 4-13 and 4-16**. Some of the special interest areas are publicly owned but not by a park or other public natural resource agency that would afford protection under Section 303(c).

**The Buffington Sand Prairie** (29 acres) is a privately owned property that was leveled in the late 1970s when the Chicago Avenue substation was built and several power line corridors were run through the site. There are a few small pockets of intact swale habitat within the preserve. Exotic species constitute a major problem, but a fairly diverse biotic community has managed to persist at the site, including 12 state listed plant species (TNC-BSU 1999).

**The East and West Ivanhoe system** (47 and 86 acres, respectively) is a nature preserve owned by the non-profit Nature Conservancy. It consists of scattered black oaks dominating the dune ridges, with an understory of prairie grasses and wildflowers, such as puccoon, spiderwort and prairie phlox. The swales are dominated either by buttonbush swamp or sedge meadows. The Nature Conservancy has slowly transformed Ivanhoe East into a patchwork of upland savanna, prairie, forest and wetland. Ivanhoe west is in the process of becoming a dedicated nature preserve and requires more restoration than Ivanhoe East.

**DuPont Dune and Swale** (204 acres) is privately owned and non-managed. Less disturbed parts of the site consist of dune complex of moderate to good quality and include sand savanna, sand

prairie, floodplain forest, marsh and pond (TNC-BSU 1999). There are two pipeline easements, a powerline right of way near the edges of the property and roughly 25 acres of marsh filled along the Grand Calumet River. A slag dump, less than 5 acres, exists in the interior of the preserve and there is the potential of contaminated sediments in the wetlands adjacent to the Grand Calumet River (TNC-BSU 1999). Four globally rare communities: wet-mesic sand prairie, dry sand savanna, dry-mesic sand prairie, and sedge meadow, are found on the site, as is a rare and highly valuable remnant of the ridge and swale habitat type. It is the largest unprotected tract of dune and swale habitat in the region with a notably high floristic quality rating (NPS 1999). According to the 1999 Indiana Natural Heritage Data, the site supports 9 state-listed endangered species, 1 state-listed threatened species, 4 state-listed rare species, 1 state-listed species of special concern, and 5 state-listed significant high quality plant communities. The Nature Conservancy has a short-term management agreement on the site and is negotiating a long-term protection plan (TNC-BSU 1999).

**Clark and Pine Dune and Swale** This 64-acre parcel is owned by the Gary/Chicago International Airport. According to the 1999 Indiana Natural Heritage Data, Clark and Pine Dune and Swale supports four state-listed rare species, and the following three state-listed, significant high-quality plant communities: dry sand savanna, marsh and panne. It was identified by the IDEM as a critical habitat to preserve and protect (NPS 1999).

**Gary/Chicago International Airport (107 acres)** is owned by the City of Gary. Within the airport 107 acres still contains habitat, though it is extremely degraded. Part of the site was restored as a mitigation project, where wetlands that needed to be filled due to their location within the runway safety area were replaced through the restoration of other more valuable wetlands (dune/swale) on the airport. Physical disturbance and invasion by exotic species are extensive (TNC-BSU 1999). Shrub scrub forested wetlands are located in the northwest corner and especially along Industrial Highway. Much of the airport area is mowed due to safety reasons, which prevents the native vegetation, especially trees, from growing. Upland sandpiper and other rare birds have been reported here. Cattail marshes, which were formerly forested wetlands, exist at the southern end of the airport, although the area contains more purple loosestrife and common reed, both exotic invasive species, than it has in the past.

**Clark Junction South** (25 acres) is a parcel of privately owned non-managed land. It consists of some swale habitat that is dominated by exotic species.

**Clark Junction Addition #1** (7 acres) is an area of dune and swale habitat that is privately owned and non-managed. It is bordered on all sides by existing railroads and is dominated by exotic plant species. There are also indications that there may be a wetland present.

**Clark and Pine General Refractory** (24 acres) is privately owned and non-managed dune and swale habitat. It is bounded by rail lines and a slag dump. Areas throughout the site have been subjected to moderate to extensive physical disturbance and invasive species (TNC-BSU 1999). According to the 1999 Indiana Natural Heritage Data, the Clark and Pine Addition #2/Clark and Pine General Refractory supports 12 state-listed endangered species, 6 state-listed threatened species, 13 state-listed rare species, 1 state-listed species of special concern, and 3 state-listed significant high quality plant communities.

The **South Shore Right of Way** (41 acres) is privately owned and is considered to provide landscape and habitat connectivity to the Ivanhoe Nature Preserve.

The **Asphalt Wetlands and the Vulcan site** (146 and 22 acres) are areas within the project boundary that are privately owned. Both areas have been classified by The Nature Conservancy as vacant urban land, which is a classification for areas that have extensive physical disturbance and are dominated by exotic plant species.<sup>1</sup> Some remnant dune and swale habitat exists in the Asphalt Wetlands; however, much of the area has been extensively degraded by sand mining, the disposal of construction debris and oil refinery waste, and a chemical recycling operation.

#### **5.7.4 Future Conditions -- 2007**

##### **5.7.4.1 No Action**

The No Action Alternative would result in the airport remaining as it is today. Therefore there would not be any construction on or near Section 303(c) lands or other areas of environmental interest that would affect their condition.

##### **5.7.4.2 Improvements to Existing Runway 12-30 to Conform with Current FAA Standards**

The proposed alternative, which includes extending Runway 12-30, extending the taxiway, and acquiring land to allow for modifications to the runway safety area, would not require any acquisition or construction to be made on Section 303(c) lands by the airport. Overflight of Section 303(c) lands may occur under this alternative, but not significantly more than with the future No Action alternative.

##### **5.7.4.3 Improvements to Provide Additional Runway Length on Runway 12-30**

The proposed alternative, which includes extending Runway 12-30, extending the taxiway, and acquiring land to allow for modifications to the runway safety area, would not require any

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<sup>1</sup> The Nature Conservancy and Ball State University. Biodiversity Conservation Opportunities in the Toleston Strandplain of Northern Lake County, Indiana: A Strategic Plan for Conservation Success. 1999.

acquisition or construction to be made on Section 303(c) lands by the airport. Overflight of Section 303(c) lands may occur under this alternative, but not significantly more than with the future No Action alternative.

#### **5.7.4.4 Expansion of Existing Terminal**

The proposed expansion of the existing terminal will not impact 303(c) lands, as this terminal is in the center of the existing airport facility.

#### **5.7.4.5 Acquisition and/or Reservation of Sites for Future Passenger Terminal and Air Cargo Facilities**

Potential future aviation-related development is proposed in two areas in the Asphalt Wetland, however, no impacts to 303(c) lands are expected, as no acquisition or construction would occur on Section 303(c) lands by the airport.

### **5.7.5 Summary of Findings**

#### **5.7.5.1 Areas of Environmental Interest**

The proposed alternative will impact two areas of environmental interest within the study area. These areas are not Section 303(c) lands.

There will be significant impacts to the **Asphalt Wetland** for the proposed alternative. The impacts will be due to the extension of Runway 12-30, the relocation of the EJ&E Railway, the creation of a 500-foot runway safety area (RSA) along the runway to conform to Federal safety standards, and the development of an access road. These activities will eliminate nearly all the remnant dune and swale habitat remaining in the degraded Asphalt Wetlands.

There will also be impacts to **Clark Junction South** due to the relocation of the EJ&E Railway. The approximately 300-foot long railroad crossing of Clark Junction South would require placing fill in this disturbed wetland.

#### **5.7.5.2 Air Quality**

The effects on air quality as a result of Alternative 1 are discussed in Section 5.5. The proposed alternative would not have any significant effect on air quality on Section 303(c) properties within the study area.

#### **5.7.5.3 Noise**

The effects on noise exposure levels within and surrounding the study area as a result of the proposed alternative are discussed in Section 5.1. The noise levels will not have an adverse affect

on the Section 303(c) land within the study area. Aerials with noise contours (**Exhibits 5.1-7, 5.1-12, 5.1-15, and 5.1-18**) can be found in Section 5.1. As shown in these exhibits, the area of the **Brunswick Center Savanna** that is exposed to noise levels exceeding 65 decibels actually decreases with both the future build and no-build alternatives as opposed to the baseline conditions.

The following areas of environmental interest: **Asphalt Wetland, Gary/Chicago International Airport** wetlands, **Clark Junction South and Clark Junction Addition 1** are the only other areas of environmental interest with portions located within the noise contours of the study area. The Gary/Chicago International Airport wetlands and the Asphalt Wetland are exposed to noise levels between 65-75 decibels for the baseline and the future build and no build alternatives. The two other areas are exposed to 65 decibels for all baseline and future conditions. Therefore, the proposed project will not impact noise levels in these four areas of environmental interest.

#### **5.7.6 Mitigation**

There are no mitigation needs for Section 303(c) lands, since the proposed alternative will not impact these lands. However, wetland mitigation may be desired in two areas of environmental interest (non-Section 303(c) land) for proposed construction. These are the Asphalt Wetlands and Clark Junction South. Proposed mitigation for these impacts, as well as impacts to wetlands and other biological resources within these areas, is described in Section 5.11.